

Our File: LJL 354B

DECLARATION FOR PATENT APPLICATION

English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHOSPHORYLATION ASSAYS

the specification of which: (check one)

X is attached hereto.
was filed on June 19, 2000 as Application Serial No. 09/596,444
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications listed below and under Title 35, United States Code, § 120 of any United States applications listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States provisional applications and United States applications in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------------|--------------------|----------|
| 08/929,095 | September 15, 1997 | Pending |
| 60/092,203 | July 9, 1998 | Pending |
| 60/138,311 | June 9, 1999 | Pending |
| 60/138,438 | June 10, 1999 | Pending |
| 09/349,733 | July 8, 1999 | Pending |
| 60/200,594 | April 28, 2000 | Pending |
| PCT/US00/16025 | June 9, 2000 | Pending |
| (Application Serial No.) | (Filing Date) | (Status) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of
first inventor:

WEI HUANG

INVENTOR'S SIGNATURE:

DATE:



8/7/00

Residence: 2362 Sutter Avenue, #4, Santa Clara, California 95050

Citizenship: P. R. China

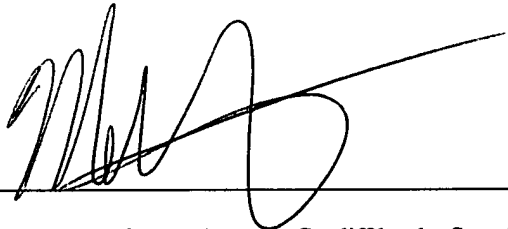
Post Office Address: 2362 Sutter Avenue, #4, Santa Clara, California 95050

Full name of
second inventor:

MERL F. HOEKSTRA

INVENTOR'S SIGNATURE:

DATE:



8/9/00

Residence: 2361 Manchester Avenue, Cardiff by the Sea, California 92007

Citizenship: United States of America

Post Office Address: 2361 Manchester Avenue, Cardiff by the Sea, California 92007

Full name of
third inventor: SANDRA K. LEE
INVENTOR'S SIGNATURE:

8/9/00

DATE:



Residence: 1595 Adobe Drive, Pacifica, California 94044

Citizenship: United States of America

Post Office Address: 1595 Adobe Drive, Pacifica, California 94044

Full name of
fourth inventor: NICHOLAS CAIRNS
INVENTOR'S SIGNATURE:

9/12/2000

DATE:



Residence: 1039 South Claremont Street, San Mateo, California 94402

Citizenship: United Kingdom

Post Office Address: 1039 South Claremont Street, San Mateo, California 94402

Full name of
fifth inventor:

LAWRENCE M. KAUVAR

8-9-00

INVENTOR'S SIGNATURE:

DATE:

LM Kauvar

Residence: 1489 Webster Street, #521, San Francisco, California 94115

Citizenship: United States of America

Post Office Address: 1489 Webster Street, #521, San Francisco, California 94115

Full name of
sixth inventor:

J. RICHARD SPORTSMAN

8-14-00

INVENTOR'S SIGNATURE:

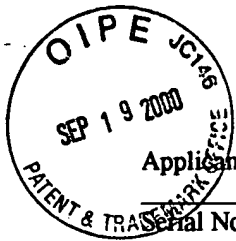
DATE:

J. Richard Sportsman

Residence: 4154 Amaranta Court, Palo Alto, California 94306

Citizenship: United States of America

Post Office Address: 4154 Amaranta Court, Palo Alto, California 94306



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

#4
10.17.00

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)) - **INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Phosphorylation Assays described in:

- ☐ the specification filed herewith.
☒ application Serial No. 09/596,444, filed June 19, 2000.
☐ Patent No. _____, issued _____.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
☒ persons, concerns, or organizations listed below*

***NOTE:** Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME LJL BioSystems, Inc.

ADDRESS 404 Tasman Drive, Sunnyvale, California 94089

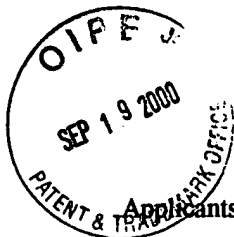
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 8/7/00

Wei Huang



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
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Date: 8/9/00


Merl F. Hoekstra



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

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Date: 8/9/00

Sandra K. Lee



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

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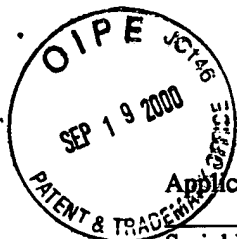
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Date: 8/10/2000



Nicholas Cairns



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 8-9-00

LM Kauvar
Lawrence M. Kauvar



Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Phosphorylation Assays described in:

- ☐ the specification filed herewith.
☒ application Serial No. 09/596,444, filed June 19, 2000.
☐ Patent No. _____, issued _____.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
☒ persons, concerns, or organizations listed below*

***NOTE:** Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME LJL BioSystems, Inc.

ADDRESS 404 Tasman Drive, Sunnyvale, California 94089
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

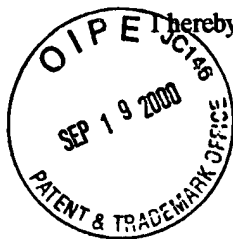
Date: 8-14-00



J. Richard Sportsman

Applicants: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
For: Phosphorylation Assays

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN



I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN LJL BioSystems, Inc.
ADDRESS OF CONCERN 404 Tasman Drive, Sunnyvale, California 94089

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Phosphorylation Assays described in:

- ☐ the specification filed herewith.
☒ application Serial No. 09/596,444, filed June 19, 2000.
☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

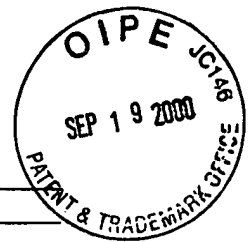
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NAME OF PERSON SIGNING Robert T. Beagas
TITLE OF PERSON OTHER THAN OWNER VP Finance & Admin.
ADDRESS OF PERSON SIGNING 404 Tasman Drive, Sunnyvale, California 94089

SIGNATURE [Signature] DATE 8/14/00

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b), CERTIFICATE PURSUANT
TO 37 C.F.R. § 3.71 AND MPEP § 106, and POWER OF ATTORNEY**



In re Application of: Wei Huang, Merl F. Hoekstra, Sandra K. Lee,
Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman
Serial No.: 09/596,444
Filed: June 19, 2000
Entitled: Phosphorylation Assays

LJL BIOSYSTEMS, INC., a Delaware Corporation, certifies, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of assignments from each of the inventors named in the patent application identified above and their successors in interest. Copies of assignments or other documents in the chain of title are submitted herewith.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and certifies that to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The above-identified assignee of record, pursuant to 37 C.F.R. § 3.71 and MPEP 106, hereby excludes all inventors and previous assignee(s), if any, from access to the above-identified patent application, and reserves its right to conduct the prosecution of the above-identified patent application to the exclusion of the named inventors and previous assignee(s).

LJL BIOSYSTEMS, INC. hereby appoints the following attorneys to prosecute the above-identified application and to transact all business in the Patent and Trademark Office connected therewith:

J. Pierre Kolisch, Reg. No. 15,802; Jon M. Dickinson, Reg. No. 22,820; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; David A. Fanning, Reg. No. 33,233; Walter W. Karnstein, Reg. No. 35,565; Pierre C. Van Rysselberghe, Reg. No. 33,557; Charles H. DeVoe, Reg. No. 37,305; Stephen F. Gass, Reg. No. 38,462; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; J. David Fulmer, Reg. No. 42,561; M. Matthews Hall, Reg. No. 43,653; and Christopher S. Tuttle, Reg. No. 41,357.

DIRECT COMMUNICATIONS TO:

James R. Abney
Kolisch, Hartwell, Dickinson, McCormack & Heuser
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204

Telephone: (503) 224-6655
Facsimile: (503) 295-6679
E-Mail: abney@khdmh.com

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

LJL BIOSYSTEMS, INC.

Date: 8/14/00

R T Beggs
Name: ROBERT T. BEGGS

Title: VP FINANCE & ADMIN

Our File No.: LJL 354B

ASSIGNMENT

WHEREAS, we, Wei Huang, of Santa Clara, county of Santa Clara, state of California, Merl F. Hoekstra, of Cardiff by the Sea, county of San Diego, state of California, Sandra K. Lee, of Pacifica, county of San Mateo, state of California, Nicholas Cairns, of San Mateo, county of San Mateo, state of California, Lawrence M. Kauvar, of San Francisco, county of San Francisco, state of California, and J. Richard Sportsman, of Palo Alto, county of Santa Clara, state of California, have invented certain improvements in PHOSPHORYLATION ASSAYS, for which a U.S. patent application was filed on June 19, 2000, and which was given Serial No. 09/596,444; and


WHEREAS, LJL BioSystems, Inc., a Delaware corporation, having its principal place of business in Sunnyvale, county of Santa Clara, state of California, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, we, Wei Huang, Merl F. Hoekstra, Sandra K. Lee, Nicholas Cairns, Lawrence M. Kauvar, and J. Richard Sportsman, have sold, assigned, and transferred, and by these presents do sell, assign, and transfer, unto LJL BioSystems, Inc., the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent that may be granted therefor in the United States and its territorial possessions, in any and all foreign countries, and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof.

We hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to LJI BioSystems, Inc., as the assignee of our entire right, title, and interest in and to the same, for the sole use of LJI BioSystems, Inc., and its successors and assigns.

Further, we agree that we will communicate to LJI BioSystems, Inc., or its representatives, any facts known to us respecting the invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, reissue, substitution, and extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to LJI BioSystems, Inc., make all rightful oaths, and generally do everything possible to aid LJI BioSystems, Inc., and its successors and assigns, to obtain and enforce proper protection for the invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 7th day of August, 2000.



WEI HUANG

Witness:

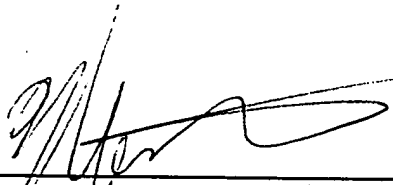
Name: Jan Hummel

Address: 914 Mountain View Ave., #10

City, State: Mt. View, CA 94040

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9 day of

August, 2000.


MERL F. HOEKSTRA

Witness:

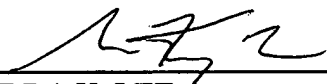
Name: Denise Hoekstra

Address: 2361 Manchester Ave

City, State: Card, FL, CA, 92007

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9th day of

August, 2000.


SANDRA K. LEE

Witness:

Name: Donal E. Schmidt 08/09/00

Address: 431 Alvarado St

City, State: Brisbane, CA 94005

IN TESTIMONY WHEREOF, I have hereunto set my hand this 10th day of

August, 2000.



NICHOLAS CAIRNS

Witness:

Name: Belinda Cairns (BELINDA CAIRNS)

Address: 1229 PALOMA AVENUE

City, State: BURLINGAME CA

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9 day of

Aug, 2000.

LM Kauvar
LAWRENCE M. KAUVAR

Witness:

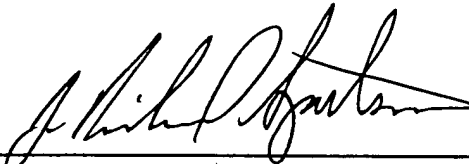
Name: Angie Hain

Address: 1489 Webster

City, State: SF CA 94115

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of

August, 2000.



J. RICHARD SPORTSMAN

Witness:

Name: Jan Hummel

Address: 914 Mountain View Ave., #10

City, State: Mountain View, CA 94040